IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 8511 of 2001

Between:

P.Govindraj, S/o. P.Papaiah, Hindu,
R/o. 13-4-694, Karvan,
Hyderabad.

..... PETITIONER

AND

1. A.P. Central Power Distribution Company Limited, Rep. by its Superintending Engineer, (South Circle) Operations, Vidyuth Soudha, Hyderabad.
2 The Asst. Divisional Engineer, A.P.C.P.D.C.L.,
Hyderabad.
3 The Assistant Accounts Officer, (Revenue) A.P.C.P.D.C. Limited, South Circle, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction, one more in the nature of Writ of Mandamus or any other appropriate writ directing the Respondents not to disconnect the Service Connection No.J-1. 02587 (ERO 002) connected to the Petitioner's premises i.e., office space in the Third Floor of Premises No. 5-1-746, situated at Bank Street, Hyderabad declaring the action of the Respondents to extend threats of disconnection as arbitrary, illegal, opposed to the principles of natural justice.

Counsel for the Petitioner: MR.D.MADHAVA RAO

Counsel for the Respondents: MR.K.N.JWALA

The Court made the following :

ORDER:

This writ petition is filed seeking a direction, in the nature of writ of Mandamus, to the respondents not to disconnect the service connection No.J-1, 02587 (ERO 002) connected to the petitioner's premises bearing No.5-1-746, situated at Bank Street, Hyderabad.

It is stated in the affidavit that in the place of old house, which was dismantled, residential and commercial plots were constructed, and the petitioner is the owner of the commercial premises, viz., office space in the third floor of the premises. It is stated that there are no arrears on account of consumption of electricity power, but however, on account of arrears payable by the previous owner, there was a threat for disconnection.

Though it is stated as such in the affidavit, there is no notice indicating such disconnection. Though the writ petition is of the year 2001, no counter-affidavit has been filed so far on behalf of the respondents. Inasmuch it is stated in the affidavit that there are no arrears payable by the petitioner on account of consumption made by him in his premises, if any disconnection is to be ordered, he is entitled to be notified by issuing a prior notice and opportunity.

In that view of the matter, without expressing any opinion on the merits of the case, I feel that it is just and proper to dispose of the writ petition directing the respondents to continue the power supply, if it is not already disconnected and if there are no arrears on account of consumption made by the petitioner for the said service connection. If the petitioner violates the rules, it is open for the respondents to issue prior notice to the petitioner and take necessary steps, in accordance with

rules.

Subject to the above direction, the writ petition is disposed of. No order as to costs.

30th June,2005

Nn.

Copy to:

Copy to:

1. The Superintending Engineer, (South Circle) Operations, Vidyuth Soudha, A.P. Central Power Distribution Company Limited, Hyderabad.
2 The Asst. Divisional Engineer, A.P.C.P.D.C.L., Hyderabad.
3 The Assistant Accounts Officer, (Revenue) A.P.C.P.D.C. Limited, South Circle, Hyderabad.

4. Two C.D. copies.